From: dalbuc@netscape.net@inetgw
To: Microsoft ATR
Date: 1/23/02 1:22pm
Subject: Microsoft Settlement

I am opposed to the current PFJ.

The Court of Appeals found that Microsoft has a monopoly on Intel-compatible PC operating systems and that monopoly has significant barriers to entry. The Court also found that Microsoft illegally maintaining its monopoly, accoridng to the Sherman Act, by imposing licensing restrictions on OEMs and ISVs (Independent Software Vendors.

These violations constitute a major breach of anti-trust laws and yet the punishments found in the PFJ are so weakly constructed as to amount to little more than a slap on the wrist.

First, the PFJ does nothing to aid potential competitors in the Windows OS world. The critical API's competitors need are not required to have advance release. These competitors would not, most likely, meet the middleware requirements of having a product meet MS defined technical requirements seven months before the final beta test of a new version of Windows. So, competitors will have the burden of delivering working software BEFORE MS has to give them the information needed to do so. Equally important, many API's do not, or at least MS could argue they do not, meet the narrow API middleware definitions.

Second, MS is under no requirements from the PFJ to release technical information on their propritary file formats. Formats like.doc, .xls and .ppt form the core or (respectively) Word, Xcel and PowerPoint. MS's productiveity software monopoly remians wholly unchallnged in the PFJ as result of not opening these formats.

Finally, MS "broke" it's own OS before in order to prevent competitors' systems from working. This references the Caldera v. Microsoft case in which MS was found to have rigged MS-DOS to prevent a compeitors DR-DOS from running middleware applications without getting errors. The PFJ has nothing in it to stop such behavior from occuring again. In a monopoly setting if MS tweaks their OS to not run competitors software most people will assume there is an issue with the competiution since "every thing else" runs right on MS's operating systems.

The PFJ fails to do the very things an anti-trust settlement should do- either break up a monopoly or else restrain the monopoly in such as way to create competition. From a philosophical sense, the PFJ fails becuase it fails to deliver the kind of compeitive free market environment that gives the most benefit to consumers and instead aloows a single compnay to define for the conusmer what is progress and innvoation.

The settlement must be rejected in its current form.

Sincerly,

Craig Fisher

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